

**§0.112 Special deputation.**

The Director, United States Marshals Service, is authorized to deputize the following persons to perform the functions of a Deputy U.S. Marshal in any district designated by the Director:

- (a) Selected officers or employees of the Department of Justice;
- (b) Selected federal, state, or local law enforcement officers whenever the law enforcement needs of the U.S. Marshals Service so require;
- (c) Selected employees of private security companies in providing courtroom security for the Federal judiciary;
- (d) Other persons designated by the Associate Attorney General pursuant to 28 CFR 0.19(a)(3).

All such deputations shall expire on a date certain which shall be stated on the face of the deputation.

[Order No. 1047-84, 49 FR 6485, Feb. 22, 1984, as amended at 61 FR 33657, June 28, 1996]

**§0.113 Redelegation of authority.**

The Director, U.S. Marshals Service, is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this subpart, except that the authority to approve "other necessary expenditures in the line of duty" of U.S. Marshals and Deputy U.S. Marshals may not be delegated below the Assistant Director level.

[Order No. 905-80, 45 FR 52145, Aug. 6, 1980]

### Subpart U—Executive Office for Immigration Review

SOURCE: Order 1237-87, 52 FR 44971, Nov. 24, 1987, unless otherwise noted.

**§0.114 Fees for services.**

(a) The United States Marshals Service shall routinely collect fees according to the following schedule:

- (1) For process forwarded for service for one U.S. Marshals Service Office or suboffice to another—\$3.00 per item forwarded;
- (2) For process served by mail—\$3.00 per item mailed;
- (3) For process served or executed personally—\$40.00 per item minimum if served by one U.S. Marshals Service

employee, agent, or contractor in two regular office hours (duty hours) or less, or \$50.00 per item minimum if served by one U.S. Marshals Service employee, agent, or contractor in two overtime hours (non-duty hours) or less, plus travel costs and any other out-of-pocket expenses. For each additional hour, or portion thereof, and/or each additional U.S. Marshals Service employee, agent, or contractor—\$20.00 per duty hour (\$25.00 per non-duty hours) for each item served, plus travel costs and any other out-of-pocket expenses. Travel costs, including mileage, shall be calculated according to 5 U.S.C. chapter 57.

(4) For copies at the request of any party—\$.10 per page.

(5) For keeping and advertisement of property attached—actual expenses incurred.

(b) The United States Marshals Service shall collect the fees enumerated in paragraph (a) of this section, where applicable, even when process is returned to the court or the party unexecuted, as long as service is endeavored.

(c) Pursuant to 28 U.S.C. 565, the Director of the United States Marshals Service is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements for the service of summonses on complaints, subpoenas, and notices, and for security guards.

(d) The United States Marshals Service shall collect a commission of 3 percent of the first \$1,000 collected and 1.5 percent on the excess of any sum over \$1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of commission shall not be less than \$100.00 and shall not exceed \$50,000. The U.S. Marshal's commission shall apply to all judicially ordered sales and/or execution sales, including but not limited to all private mortgage foreclosure sales, if the property is not disposed of by Marshal's sale, the commission shall be set by the court within the range established above.

[56 FR 2437, Jan 23, 1991]